

# Acton Town Hall Francis Faulkner Hearing Room Meeting begins at 7:00 P.M.

TOWN CLERK, ACTON

Executive Session - Room 126 @ 6:00 with respect to Litigation Strategy, Quail Ridge Country Club

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager, Recording Secretary; Christine Joyce. The Meeting was televised

Ms. Rosenzweig Morton recused and asked the Vice Chair to Chair the Meeting.

Mr. Gowing – Moved to open into public session only to go into Executive Session to discuss strategy with respect to litigation, Quail Ridge Country Club, and declared that an open meeting may have a detrimental effect on the negotiation position of the Board of Selectmen; Ms. Friedrichs – second Roll call All AYES

## **CITIZENS' CONCERNS**

Mary Michelman – 6 Magnolia Drive, wanted to thank the Board for their support of the non-binding resolution at the Special Town Meeting on October 25, 2010. She also thanked Town Meeting members. As follow-up, she asked that the Selectmen make a commitment to ensuring that for the next 10 years Town receives the annual reports of pesticide use on the property from the State. Ms. Michelman said that she looked forward to participating in an open process regarding the proposed Conservation Restriction. ACES felt it was important to assure safety for human use if the property goes out of agricultural use. Ms. Rosenzweig Morton said the Town needs to prepare a letter asking that the Town gets notified each year by the State with regard to the pesticide use. The Board needs to discuss the Conservation Restriction.

Ken Sundburg – 255 Main Street, spoke about an issue relating to the pending building permit for his project. The condition that is delaying his building permit is the requirement of an easement for a sidewalk along Main Street. He said that this slipped by him and he asked for a variance of the requirements. He will do the easement as soon as everything is reviewed by his attorneys.

Mr. Ledoux and Planning Director Roland Bartl discussed this issue. No one knew when the wording changed to Building Permit, and they suggested an amendment of the decision to reflect the original language, making the easement a condition of the occupancy permit.

Ms. Friedrichs noted that she was voting yes. She wanted to note that at this site, the developer has gone out of his way to put in "real stone" walls, rather than "linked blocks" on the retaining way. She feels that this makes a big difference to the character of the neighborhood, and it was at great expense to the applicant.

Ms. Harting-Barrat – Moved to make the change to reflect the word change. Ms. Adachi - second. UNANIMOUS CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton –spoke about moving forward with the Simeone-Caouette property purchase. The Board offered condolences to Kim Trehan's family. Kim was the Transportation Manager at the schools.

#### **OPERATIONAL MINUTE**

Mr. Ledoux announced that he had appointed Corey York, who had been Acting Engineering Director since the retirement of Bruce Stamski in June, as permanent Director.

The State has agreed to fund the Bruce Freeman Rail Trail design phases 2a and 2c and the design work has had three bidders. Planning Director Roland Bartl will be working with the Concord and Westford planners to review the proposals.

### **PUBLIC HEARINGS & APPOINTMENTS**

### **ACTON MEMORIAL LIBRARY TRUSTEES OVERVIEW MEETING**

Joseph Glennon, Trustee, Memorial Library. Mr. Glennon gave a overview of the activities in the past year at the Library. They have continued to work on the Civil War display. He noted the volunteers helping at the Library. He thanked the Board for the increase of hours for the Library staff. They will be asking for money for FY11 because they did not get an increase in their budget in FY10. They want to establish a new position of a Program / Community services Librarian.

Mr. Gowing noted it is a jewel and he uses the library all the time. He asked about the three priorities. Mr. Glannon replied the new position and budget and asked them not to cut their budget.

Ms. Harting-Barrat asked about regionalizing Children's Programming, and if it might be shared with other communities and to bring the communities together. Mr. Glannon said they have talked about it and especially in regard to the Westford's Civil War display.

Ms. Adachi asked about the request for more money for materials and noted they were frozen at the 09 amount.

Ms. Friedrichs thanked Kevin Dougherty, a teenager, for his work packing and loading the discarded books to send to Washington parish in Louisiana. She made note that we are very lucky to have public libraries and that many places in the United States do not. Our discarded books are helping to stock a new library in a church basement in a county that doesn't have a public library. She said that Kevin is doing the work "because it needs to get done", in his words.

Ms. Rosenzweig Morton noted we are in a busy tight budget time. She asked about prioritizing of the needs and asked if one was more important to them.

Ms. Harting- Barrat asked about sharing programming and is in favor of regionalization and wondered if the proposed \$40,000 employee could be shared by several towns.

Ms Friedrichs noted that there are a lot of organizations doing programming, including the West Acton Citizens Library, the HDC, the ABCC, etc. And encouraged the Acton Center Library to reach out and coordinate. We have lots of buildings that have empty spaces, including churches. We should take more advantage of existing resources.

Ms. Rosenzweig Morton thanked them for the great volunteerism.

### **CONSERVATION TRUST UPDATE**

David Hardt, Board of Trustees of ACT. ACT members, Susan Mitchell Hardt and Jim Snyder-Grant, also were present at the meeting. Lauren thanked ACT for the gift toward the Simeone- Caouette land purchase.

They are a non-profit organization that works with landowners in town to educate them and to let them know that there are other options besides developing.

They monitor the Conservation easements. They can accept land by gift for permanent protection.

They talked about neighborhood advocacy and getting folks involved. They also have a seat on the Open Space Committee.

They also discussed Land Preservation Methods.

They further spoke about their land protection Scorecard.

Ms. Adachi said she has assisted Susan with mailings and noted she is a member of ACT.

Ms. Friedrichs asked about members. 380 members at this point but ACT will be sending out post cards to attract new members. She asked if they would be interested in speaking at the Village Land Planning workgroup. They said that would. She went on to ask if they were interested in collaborating on figuring out methods for creating a large land purchase bonding mechanism. They said that they would like that very much.

Mr. Gowing appreciated their efforts.

# WEST ACTON TRIO SITE PLAN 7/26/10-248, 232 ARLINGTON STREET "SPRUCE CORNER"

Ms. Rosenzweig Morton opened the public meeting. Engineer Scott Hayes outlined the revised submissions. The conditions that Planning Director Roland Bartl has included were agreeable to the applicants.

The revisions to the plan are not substantial.

Architect Peter Quinn made changes in response to input from the Design Review Board. The building facing the Phibricks' house has been modified to a shorter height. The Philbricks are happy with the re-design and wish the project to go forward.

Ms. Rosenzweig Morton noted that HDC does not have official input but we are always are open for comments.

Mr. Gowing, the Board's liaison for the site plan, said the process has been very friendly and hoped other developers would act the same way. He said all the issues and suggestions have been accommodated. The Fire Chief has indicated that the driveway access is fine for fire trucks.

Ms. Friedrichs wanted to register her objections and noted that the Board could have asked for a smaller project. She noted that the zoning category is WAV not VR (Village Residential). Her concern is about a mixed-use project using the "density bonus" for the residential part of the project. She thinks it is contrary to the intent expressed in 1994.

She noted that this is not the first time that she's asked for the issue to be on the agenda. She said she's been asking for 2 years. She is disappointed that staff does not keep track of cumulative impacts of water, traffic, etc. And they only comment on single projects in a vacuum. We need to look at things holistically. Acting like each project has "no impact" is not smart. Over time there is an impact when you add all of these projects together. She asked for help to protect the village. The people doing all of these plans don't live there. We need help protecting the beauty of the village today. She feels that the village is awesome as it is, and doesn't need any "improvements", except maybe a couple of benches.

Ms. Rosenzweig Morton said that the intent of the Town was to increase density in the residential areas so that more people would be would be within walking distance of businesses in the village.

Ms. Adachi noted Engineering comments about maneuverability for parking behind the building and asked for clarification as to whether there still was an issue. Mr. Bartl said that the requirement had not been waived. Ms. Adachi asked about the capacity of the proposed swale/rain garden, and potential for spillover; Mr. Hayes said it was designed to handle a 100-year storm.

Ms. Harting-Barrat felt we should not put applicants on the spot and questions should be made before they come to board at the beginning of the process. She noted the setbacks and foliage and noted that they are attractive in that area.

Ms. Rosenzweig Morton noted they will be using pavers to follow the best practices. She said she would have liked to save the houses, but understood.

No one spoke from the public

Mr. Gowing - Moved to close the Public hearing and take under advisement. Ms. Harding-Barrat - second

Ms. Friedrichs said the only green space in the village is in front of the Bank and Library and they need to ask the citizens what they want.

### 4-1, Terra No. motion passes

### COMMUNITY PRESERVATION COMMITTEE RECOMMENDATIONS

Ms. Rosenzweig Morton gave an overview of the prioritization that will be used for reviewing and recommendation to CPC

Asa Parlin House, phase I for this year to be sent forward

Mr. Gowing - Moved to send monies \$500,000 to Open Space. Wants this as the first priority Ms. Friedrichs - second.

Trail Through Time, phase I and possibly phase II,

Mr. Gowing Moved –the windows on the second story of town hall, and can wait. The Board voted 4-1 to keep on the list

Library arched Window

East Acton Village - Mike said we should tie to the BFRT and Morrison Farm projects and defer until next year.

Final ranked recommendations to CPC:

Open Space set aside funds, \$500,000
Asa Parlin House, Phase I at minimum
Library Window \$15,000
Town Hall Windows, \$75,000
Trail Through Time, Phase I stone work, sluice work
East Acton Village Green – Next year
Ms. Adachi will draft the List to go to CPC

# **ALG DISCUSSION**

Mr. Rosenzweig Morton reiterated the developing assumptions reflected in the spreadsheet, with the backup material following. Ms. Friedrichs would like to have the actuals reflected. Ms. Rosenzweig Morton said that actuals don't necessarily reflect what will happen in the future.

Ms. Rosenzweig Morton said that the aim is to maintain level of service. She noted that Town Meeting seems to be comfortable with that. She asked should we do just that or add/cut. Ms. Friedrichs asked whether we are meeting capital obligations and noted that she wanted to see the town and school side's capital budgets. If the schools are replenishing at a faster rate, maybe the split can change.

Mr. Ledoux noted he is still in the middle of the budget progress. Under the "waterfall" proposal, assumptions were made that state aid would be cut 10% but actually it came in at 3%. The Board restored cuts by following the plan. Now we're at the recap sheet stage, with the summary of Town Meeting appropriations/actions and revenues and

evaluation with respect to Prop. 2.5. Local revenues—excise, permit fees, etc.—generally must be based on FY10 actuals, except in special cases. The recap sheet determines revenue from all sources and whether they can meet the proposed expenditures. The Town Meeting appropriations determine the tax rate that the Revenue Department approves.

Ms. Rosenzweig Morton said that the only issue for the Board's recommendation may be whether to give any leftover funds back to the taxpayers. She would like to go back to ALG and say that until we know what the number is we cannot act on this.

Mr. Ledoux said that the wild care is new growth. The current projection is \$500,000 (last year was \$600,000).

Ms. Friedrichs felt we should move forward to use less money and to plan for a reduction. She wants actuals in the ALG format.

### MORRISON SUMMATION / RECOMMENDATIONS

Mr. Gowing summarized the Board's preferences thus far about the different parts of the land, and said he would like to move forward to appoint a "Blue Ribbon" committee. .

Ms. Friedrichs noted that the consensus of the Board was to minimize parking. Mike Gowing agreed that this had not gotten from his written notes into the document yet.

Ms. Friedrichs wants to honor the sports people but wants to be careful about taking on debts that we may not be able to pay. Lots of people voted for the farm. Ms. Friedrichs wanted to go on record that it was a split vote as to what to do with the lower meadow.

Mr. Gowing said the only issue to decide was the walking path along the west side of the pond and east side of Morrison Farm property. The Board felt that it would be best to keep the trail as natural as possible, with no bikes. But that we wanted to provide "some" handicapped accessible areas, perhaps at the beginning/end of trails, maybe with a bench. They will review the handicapped accessible status.

Debra Sims, an abutter, noting that it might be very expensive, suggested a location on the west side, with access from behind Powers Gallery across a re-built bridge to the west side of the pond with a viewing area there

Ms. Harting-Barrett recommended that the committee should include residents other than those on Town boards. Ms. Rosenzweig Morton said that we could advertise for some at-large members, maybe two. Mr. Gowing said in compiling his list of possible candidates, his aim had been a balance of interests.

Ms. Rosenzweig Morton - Move that we have a walking trail about the west side with a portion being handicapped accessible, pending Counsels review. Mr. Gowing second. UNANIMOUS VOTE.

Mr. Gowing said that he recommended the people on his tentative list to serve on the committee. Ms, Rosenzweig Morton – Moved to send this memo to the candidates and advertise for two at-large members. Mr. Gowing wanted to change to number of the

committee to 11 to include two members at large Mr. Gowing - second. UNANIMOUS VOTE

### CROSSROAD'S CAFÉ REMAND FROM THE ABCC FOR BOARD ACTION

Nina Pickering Cook represented the Board at the hearing on the appeal of the Board's decision ordering a one-day suspension. ABCC has remanded the decision, and wants the Board to reverse the decision. Ms. Friedrichs - moved to reverse the one day Suspension. Mr. Gowing – second. UNANIMOUS VOTE

Mr. Gowing said he was disappointed in the decision and thought it was important to remind license holders that their licenses can be in danger, and suggested having a police detail stand at the door.

Ms. Friedrichs – Moved to send a letter to ABCC to let them know we are not happy with this remand. She wanted to defend our rights as a local Board to take action to protect citizens. Motion Fails, No second

#### SELECTMEN'S REPORTS

Ms. Adachi reported:

ACHC – 99 Parker Street is under way and the committee is making plans for financial literacy for first time buyers. CPC is starting its new year; the application deadline is November 15<sup>th</sup>. Conservation Commission is revising open space report. Green Advisory Board was recognized as a green community and is discussing energy benchmarking and moving forward with other plans.

The Wastewater Advisory Neighborhood Task Force heard a financial presentation by John Murray. WRAC continues to work on the second stormwater bylaw.

Ms. Harting-Barrat spoke about her committees. Sidewalk meeting and the Recreation is meeting to form a fund raising board. South Acton Train Advisory Committee is meeting tonight with Paul Hadley of the MATA and the 60% design is going to 90% design. HDC discussed how they could soften all the look of glass and steel, but they can't clapboard the building because of the glass, so they hope to resolve that and continuing with the funding.

Mr. Gowing noted HDC met and new South Acton Train Station Advisory Committee came to their meeting to work with them and resulted in planning or a joint meeting to resolve the issue. HIT – spoke about the meeting. COD working on changing their Charter. COA is changing Charter to reflect current COA Charter; the new director came on board today.

Ms. Friedrichs – Land meeting postponed, will be held again with focus on criteria of what we want to see when we purchase village land and the tools; and preparing something for the Board, including lessons learned about past purchases.

She was voted, as the member, to be in charge of organizing HDC's work on Docushare. She reported she has volunteers to scan in all of the paper into Docushare

for all the properties that have come before the HDC. That project is going well, and we expect to be able to use that team for other scanning/file organizing projects in the future.

HC now has a historic plaque program and if you have a historic home, you can now buy a plaque for your house. The plaque may just say the year that your house was built. Or if you know the architect's name and you want that, you can get that, if it fits on the sign.

EDC is finishing up on the sign board panel and will be starting up a sign bylaw review panel. With signs winding down, it will have more time to do work on demographics, economic development, etc.

Ms. Rosenzweig spoke about her regional organizational meetings Design Review Board has been reaching out for guidance on the broader range of buildings as to which it may be invited to comment.

### CONSENT

#10 Hold Ms. Friedrichs - wanted to know who contributed to the Acton 2020

Janet Adachi – Moved to accept the items listed under Consent except for # 11-15 Ms. Harting-Barrat – second UNANIMOUS VOTE

Ms. Friedrichs - Moved to approve # 10 Ms. Harting-Barrat - second. UNANIMOUS VOTE

### **EXECUTIVE SESSION**

There will be a need for an Executive Session at the conclusion of the Meeting.

Ms. Rosenzweig Morton - Moved to enter into Executive Session to discuss litigation and Strategy, Middlesex Retirement Board. The Chair further notes that "an open meeting may have a detrimental effect on the negotiation position" of the Board. And to allow Attorney Anderson and Ged Olsen be allowed in Executive Session. Mr. Gowing – second. Ms. Friedrichs called Roll, All Ayes

Ms. Friedrichs - Moved to adjourn. Mr. Gowing - second.

Roll Call All Ayes

Christine Joyce, Recording Secty

Clerk

# BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Francis Faulkner Hearing Room November 8, 2010 7:00 PM

# EXECUTIVE SESSION ROOM 126 @ 6:00 p.m.

**EXECUTIVE SESSION** – to discuss the purchase, exchange, lease or value of real property with regard to Quail Ridge Country Club.

- I. CITIZENS' CONCERNS
- II. PUBLIC HEARINGS AND APPOINTMENTS
- 1. 7:05 CHAIRMAN'S UPDATE

The Chair will briefly update the Board

2. 7:10 OPERATIONAL MINUTE

The Town Manager will provide a brief report

- 3. 7:45 ACTON MEMORIAL LIBRARY TRUSTEES OVERVIEW PRESENTATION
- 4. 8:05 ACTON CONSERVATION TRUST UPDATE

Enclosed please find materials in the subject regard

5. 8:25 WEST ACTON TRIO, SITE PLAN #7/26/10-248, 232 ARLINGTON STREET, "SPRUCE CORNER"

Enclosed please find Materials in the subject regard

- III. SELECTMEN'S BUSINESS
  - 6. COMMUNITY PRESERVATION RECOMMENDATIONS
  - 7. ALG DISCUSSION
  - 8. MORRISON SUMMATION / RECOMMENDATIONS

Enclosed please find materials in the subject regard

# 8A. CROSSROAD'S CAFÉ ONE DAY LIQUOR LICENSE SUSPENSION DECISION FROM ABCC - AS THIS MATTER WAS NOT REASONABLY ANTICIPATED BY THE CHAIR BY THE 48 HOUR MARK

Enclosed please find materials in the subject regard

# 9. SELECTMEN'S REPORTS

## IV. CONSENT AGENDA

10. ACCEPT GIFT, ACTON 2020 VISIONING SESSION, VARIOUS DONATIONS TOTALING \$1,074.00 TO BE USED FOR THE ACTON 2020 COMMITTEE WORKSHOP

Enclosed please find materials in the subject regard

# 11. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$681.50 from Acton Boxborough Youth Basketball to have Wally the Red Sox Mascot at Winter Carnival

## 12. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$255.92 from Dunkin Donuts for refreshments at the Cemetery Tour at Woodlawn Cemetery

- 13. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY Enclosed please find materials in the subject regard
- 14. COMMITTEE APPOINTMENT, GREEN ADVISORY BOARD, WILLIAM JASTROMB, FULL MEMBER, TERM TO EXPIRE 6/30/13

Enclosed please find materials in the subject regard

## V. EXECUTIVE SESSION

There will be a need for an Executive Session at the end of the Public Session to discuss Litigation and Strategy, Middlesex Retirement

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

## **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

NOV. 22	DEC. 6				
Private Way Plowing	Classification Hearing				
Continued Dog Hearing (tentative)					

Continued Dog Hearing (tentative)

## **MINUTES PENDING VOTES**

July 26, September 13 & 27 October 8, 18 & 25, Nov. 1

# PENDING COMMITTEE APPOINTMENTS

David Green – Green Advisory Committee – sent to VCC 9/28 Ann D. Corcoran – COA – sent to Mr. Gowing James Chiarelli, Associate, Historical Commission – sent to Ms. Friedrichs
Terence Lobo, Cable TV Advisory Committee – sent to VCC
Amy Green, Conservation – sent to VCC 10/4
Pam Lynn – Historic District Commission– sent to VCC 9/16 Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

Ahmed Hilmy - Design Review Board, Finance Committee, EDC --Application sent to VCC and Town Moderator

Agenda Page 1 of 2

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D		042 (5) Interdepartmental Communication, Spruce Corner Revised Drawings and Documents, Scott A. Mutch	admin	11/05/10	87 KB		<b>9</b> &		▽
	E .	043 (5) Memorandum, Spruce Corner New Mixed-Use Residential/Office Development, Design Review Board	admin	11/05/10	47 KB		<b>2</b> 2	Ç	ಶ
	<b>a</b>	045 (6) CPA Priorities Spread Sheet	admin	11/05/10	97 KB		<b>9</b> 🕝	٦	፟
J		046 (6) CPA Vaillancourt Property Septic System Materials	admin	11/05/10	4 MB		₽ 🚱	$\bigcirc$	⊽
		047 (7) Waterfall Proposal	admin	11/05/10	370 KB		<b>4</b>		▼

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048 (8) Morrison Farm Materials

					KB	
		049 (8a) Crossroads Cafe' Liquor License, Decision of the ABCC	admin	11/05/10	436 KB	
		050 (10) Accept Gift, Acton 2020	admin	11/05/10	37 KB	
	Total Control	060 (11) Accept Gift, Recreation Department	admin	11/05/10	34 KB	
	POF	070 (12) Accept Gift, Recreation Department	admin	11/05/10	31 KB	
		080 (13) Disposal of Obsolete Materials, Memorial Library	admin	11/05/10	38 KB	
ant		090 (14) Committee Appointment, William Jastromb, Green Advisory Committee	admin	11/05/10	89 KB	

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